

## REGULAR MONTHLY MEETING

May 13, 2021

The regular monthly meeting for May was opened at 7:00 pm with the pledge of allegiance led by Supervisor Acton.

All Board members were present via Zoom. Also attending via Zoom were Dale and Linda Butts, Bob Volk, Jen Smith, Bill Dailey, Cathleen Chambers, Mark Klingensmith, Keith Gregory, Calista McBride, Kristen Poppos, Fred Sinclair, Fred Fredrickson, Chairman of the ZBA. Representing the Village of Alfred was Jim Ninos. Also present was Highway Superintendent Bob Halsey. Town Clerk Janice Burdick arrived at 7:40 pm. (Please note, there may have been others participating in this Zoom meeting that I did not catch.)

**Waterwells Road Trailer Park Concerns:** Dale Butts read a prepared statement strongly objecting to a serious violation of the Zoning Laws of the Town of Alfred in regards to the trailer park on Waterwells Road. Mr. Butts gave a history of how the park started and the ongoing problems that have existed there. Loud music, many parties, several cars, large amounts of students attending parties there, etc. Many required the intervention of the State Police. Complained to landlord with no results. Three years ago, trailers became vacant and last year residents of the house moved out. Mr. Butts went on to respectfully ask the Town Board to take strong action to affirm that this trailer park not be allowed to continue. There also was a homicide at the trailers a few years ago. "If Town allows to continue, feels Town has lost control." And the trailers are a "Caner on Waterwells Road". Request Town Attorney get involved and declare the trailers abandoned, regardless of the cost. Trailers have been in violation of Zoning (non-compliant) for over 50 years.

Bob Volk gave a summary of what has happened in the last few months since the property was sold. Talked with the Dan Acton and was told that the realtor did check with the Town regarding the status of the trailers and was told they were a non-conforming use and could no longer be rented or replaced. Realtor told Mr. Volk that the buyer was told of the Zoning and it was put in the contract the circumstances of the trailers. Mr. Butts saw someone working there and asked what they were doing. The new owner told him they were fixing the trailers up to rent. Bob Volk asked the realtor who purchased the property and was told someone from New York City. Learned from the Town Clerk and Assessor it was bought by an LLC out of Miami, FL. Mr. Volk contacted Supervisor Acton who contacted Steve Kilmer, Codes Enforcement Officer and he visited the site May 9<sup>th</sup> and posted a notice that the trailers could not be occupied and cited the sections of the Town Zoning Law. Mr. Volk stated that there was a lease for one trailer for the maintenance man. He would do maintenance and mow lawn in exchange for rent. No one ever saw anyone living there or working there. That lease was with Mrs. Giles, owner at the time. Mr. Volk then approached the new owner and asked if he was going to pull the trailers out and build a house. Didn't get a real answer and when told it was a non-conforming use owner said something to the effect that that was for the lawyers. Mr. Volk stated that he believes the property was purchased below assessed value and new buyers appears ready to violate the Zoning even after being given notice. Mr. Volk added that the new buyer must not be allowed to violate the Town Zoning Laws.

Calista McBride – Has looked at different laws that speak of uninhabitable conditions, Federal and State, HUD, etc. Also, water source which was use of a spring, had past problems. County Health Department had put up placards warning of the water. Dates of trailers are all pre-1971 so receptacles were done with aluminum making them unsafe. Also manufactured with asbestos and lead paint. All fall with the guidelines of uninhabitable. New owners have now gone into the trailers and ripped out wiring, walls, etc. and thrown the garbage and construction materials on the land next to the trailers. No abatement plan for lead and

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asbestos. Creates a health and safety issue. Has Drone video showing what has been torn out and thrown to the side. If no asbestos or lead abatement have to worry about the safety and environmental hazard to public water.

Jen Smith – Thanked residents for all the info and history. After the homicide several residents came to the Tow Board to try and understand why the trailers could still be rented. (At that time, they were still grandfathered). Moved from the Village to the Town for quiet and nice surroundings. When trailers were inhabited, it was loud, disrespectful, rude behavior, etc. Asking Town to take action.

Keith Gregory – lives next to the trailers. Tried to buy the trailers and land. Added to Mr. Butts statement that the trailers are a “Cancer on the whole Town”. Feels if new owner has lawyer involved they must be concerned. Knows Town is looking out for the neighbors, if need legal advice, get it now. Don’t wait till it is too late. Strongly encourages to do it right no matter the cost. Feels what they are doing with stripping everything out doesn’t make sense. Unless stripping and selling for scrape. Chlorinator for the spring water has not worked properly for a while and was shut down by the County Health Department. Trailers were known for drugs and then a homicide. Town needs to stay on top of this and see it through.

Supervisor Acton stated that he feels the Town has been proactive since it first learned of the sale. It was made clear to the new owner that the trailers could not be rented due to non-conforming use and had the Codes Enforcement Officer post it that they could not be occupied without a Certificate of Occupancy which they can’t get due to non-conformance and age of trailers. In regards to what they are doing now with the stripping and gutting, not sure there is anything the Town can do about that but will consult with the Attorney and see what he says. Also, maybe DEC should be contacted in regard to the concerns for a potential environmental hazard. Mr. Acton added that if there were any further concerns to please let him or other Board members know. Also thanked all that presented information and attended.

Kristin Poppo – lives on McAndrews Road. Concerned with the proposed solar installation. Will be placed on property across the road and to the side of her property. Proponent of solar energy and has panels at her home. Deeply concerned with the impact on the environment. Been researching taxes – should the Town opt out of PILOT or tax at full value. Either way can get a huge payment. This project will have a huge impact of the community, the roads, etc. Also concerned with impact on property values. Town should be looking at small projects. Asking Town to gather several values from Northland Power. Feels it is important for Town to assess it and not hand over to IDA.

Dan Acton stated that this is all new, even though the Town has a Solar Law 94C supersedes all Local Laws. Have to report compliance to local law but doesn’t say they have to follow it. Town is trying to learn as much as possible about this.

**Approval of Minutes:** The minutes of the April 8, 2021 meeting were approved with a motion by Bill Cleveland, seconded by Fion MacCrea and carried 5-0.

**Police Report** – Reviewed written report.

**Code Enforcement Officer** – Reviewed written report.

**Monthly Report** – all ok. Salt and Sand expense is high.

**General Abstract #5-2021-** Vouchers #38--48 in the amount of \$3095.78 in the General A Fund; Voucher #6-8 in the amount of \$3381.10 in the B Fund and #5 in the SF Fund in the amount of \$3511.33. A motion to approve the bills was made by Matthew Snyder, seconded by Wendy Dailey and carried 5-0. National Fuel was for 2 months.

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**Highway Abstract #5-2021** Vouchers #53-61 in the DA Highway Fund in the amount of \$5126.43 and #6-10 in the DB Fund in the amount of \$8290.02 were approved with a motion by Matthew Snyder, seconded by Wendy Dailey and carried 5-0.

**Highway Report:** The written Highway report was reviewed. Worked done on equipment.

Pulled shoulders on East Valley, hauled gravel for Village, and hauled 1A's to Town.

Sanded for the Village during late season snow.

**CHIPS Project** - The following CHIPS projects were approved with a motion by Dan Acton, seconded by Bill Cleveland and carried 5-0. Burdick Road, Randolph Road and Barber Lane. What ever is left over will be used for the shoulders on East Valley from Fisher Road to Burdick Road.

**Supervisor's Report:**

Mr. Acton explained that the ZBA is in charge of issuing the Special Use Permit. The Town Board acts has lead agency for the SEQR review and determines the significance if any. Mr. Acton added that this has been a learning curve for all involved. If an Unlisted Action then Part I is completed. Part II is available for comment and the public comment period for that is still open. A motion was made by Dan Acton, seconded by Fion MacCrea and carried to have the Town Board be the Lead Agency for the SEQR Declaration for the Ray Palmer application. Bill Cleveland asked if the neighbors have any say and was told yes, they were notified of the public hearing. All neighbors within 200' of the boundary of the property as well as the Railroad, DEC, DOT, National Fuel, NYSEG, SHPO. Fred Fredrickson added that it needs to be understood that the Town Zoning Law allows gravel extraction with a Special Use Permit. ZBA can place conditions that would apply to that permit. Wendy Dailey asked how the declaration of significance gets put together? Mr. Acton responded that it is based on responds from agencies, if no impact, document it.

Fion MacCrea asked about the Bond requirements. Mr. Acton stated that DEC recommends \$5000/acre. Mr. Acton consulted with the Town Attorney and the Bank and was informed that Mr. Palmer would write a check to the Town. The Town would purchase a CD, renew it until he is no longer mining. Question about amount of land being mined was clarified that he owns more than 10 acres but is only mining 1.4 acres. Mr. Fredrickson stated that Mr. Palmer understands that if he goes over what he applied for he will have to do this all over again. Will be required to reclaim per DEC standards. Dan Acton thanked Mr. Fredrickson and Mr. Sinclair for all the time spend on making sure this is done right. A motion was made by Dan Acton for the Town to be the Lead Agency in the SEQR review, seconded by Fion MacCrea and carried 5-0.

**Unified Solar Permit** – Town Clerk Burdick provided this from the NYSERDA website. This would create a special fee schedule for Solar Projects. Fred Sinclair stated that he isn't sure the IDA has to be involved with the PILOT. Suggested a scoping session to organize what issues need to be looked at. Need Independent appraiser to approve the project. Matthew Snyder stated that according to the NYSERDA website the Town does have the option to out of tax exemption or negotiate our own PILOT. Mr. Acton stated that he has spoken with Craig Clark of the Allegany County IDA. Kristen Poppos stated that she was concerned about what the mission of the IDA is. Shouldn't be turning it over to the IDA. Also concerned with how much heat will be put out by the Solar Panels. Fred Sinclair added that the Town should not take the easy way out, too much information needs to be acquired and community input. An electrical engineer needs to be involved now. Catherin Chambers stated that she agrees for scoping requirements and concern with the battery storage. Also, fire company should be involved. Mrs. Chambers added that she hopes the Town will do everything they can to maintain home rule.

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A motion was made at 8:20 pm to go Executive Session to discuss personnel, seconded by Matthew Snyder and carried 5-0. Executive Session ended at 8:40 pm with a motion by Fion MacCrea, seconded by Matthew Snyder and carried 5-0.

A motion was made by Dan Acton to contract with BBS Accounting Services effective 6/1/2021, seconded by Wendy Dailey and carried 5-0.

**Codes Enforcement Report** – Written report was reviewed. Bill Cleveland asked what was being done about the ongoing yard sale at Chrystal Drumm's and was told Steve Kilmer will be looking into it.

Bank Statements – available at any time.

The meeting was adjourned at 8:45 pm with a motion by Dan Acton, seconded by Wendy Dailey and carried 5-0.

Respectfully submitted,

Janice L. Burdick

Town Clerk